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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,370	03/19/2002	Ronald Whyte	M0378/7000	9007
23628	7590	05/05/2004	EXAMINER	
WOLF GREENFIELD & SACKS, PC FEDERAL RESERVE PLAZA 600 ATLANTIC AVENUE BOSTON, MA 02210-2211			CRANE, DANIEL C	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/913,370	Applicant(s) WHYTE ET AL.	
	Examiner Daniel C Crane	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-10,12-19 and 45-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-10 and 12-19 is/are allowed.
- 6) ☒ Claim(s) 45-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

REJECTION OF CLAIMS OVER PRIOR ART

Claims 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid (2,767,605) in view of anyone of Grimaldo (4,211,103) or Ceccacci (4,383,429) or Tanaka (4,827,754). Schmid shows that the tubular 37 can be swaged using a tool having at least two or more swaging formations. Schmid's tool is hand manipulated. It is common in the art to provide swaging dies with hydraulic drives so as to apply greater pressures to the swaging operation and to facilitate use on large tubes. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Schmid's tool have using a hydraulic drive as taught by anyone of the secondary teachings so as to utilize the tool on difficult tubulars.

Claims 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy (3,164,045) in view of anyone of Grimaldo (4,211,103) or Ceccacci (4,383,429) or Tanaka (4,827,754). Kennedy shows that the tubular 62 can be swaged using a tool 10 having at least two or more swaging formations. Kennedy's tool is hand manipulated. It is common in the art to provide swaging dies with hydraulic drives so as to apply greater pressures to the swaging operation and to facilitate use on large and heavy-duty tubulars. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Kennedy's tool using a hydraulic drive as taught by anyone of the secondary teachings so as to utilize the tool on difficult tubulars.

Claims 45-46 are further rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Tanaka (4,827,754) or Ceccacci (4,383,429) in view of Schmid (2,767,605). Tanaka

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and Ceccacci illustrate hydraulic rams for driving a swaging tool into engagement with a tubular, such ram having sufficient power for effecting the inward swaging of the tubular. It would have been obvious to the skilled artisan at the time of the invention to have modified either one of the Tanaka or Ceccacci's swaging die by using a swaging die as taught by Schmid so as to increase the applicability of the die for different sized tubulars.

Claims 45 and 47 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Grimaldo (4,211,103) in view of Kennedy (3,164,045). Grimaldo illustrates a hydraulic ram for driving a swaging tool into engagement with a tubular, such ram having sufficient power for effecting an outward swaging of the tubular. It would have been obvious to the skilled artisan at the time of the invention to have modified Grimaldo's swaging die by using a swaging die as taught by Kennedy so as to increase the applicability of the die for different sized tubulars.

RESPONSE BY APPLICANT(S)

Applicant's response has been carefully considered, however, the remarks are moot in light of the new grounds of rejection, such new grounds being necessitated in light of applicant's amendment.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 1, 4-10 and 12-19 are allowed.

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FINAL OFFICE ACTION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(703) 308-1870**. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Allen Ostrager, can be reached at **(703) 308-3136**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 308-1148**.

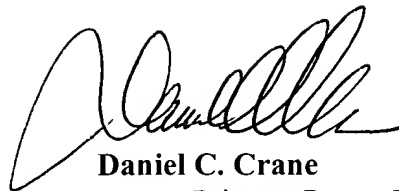
Documents related to the instant application may be submitted directly to Group 3700 by facsimile transmission at all times. Applicant(s) is(are) reminded to clearly mark any

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transmission as "DRAFT" if it is not to be considered as an official response. The Group 3725

Facsimile Center number is (703) 305-3579.

DCCrane
May 1, 2004

A handwritten signature in black ink, appearing to read 'D. Crane', with a large, stylized initial 'D'.

Daniel C. Crane

Primary Patent Examiner
Group Art Unit 3725